

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN)
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This document relates to:

All Actions

DECLARATION OF JOHN FAWCETT

I, John Fawcett, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury the following:

1. I provide this statement to supplement my sworn declaration dated September 27, 2021 concerning the information I provided to Yahoo! News investigative reporter Michael Isikoff.

2. As previously stated, I have worked for the 9/11 Families as a researcher and consultant to Kreindler & Kreindler ("Kreindler") since 2002. I have no contract and I bill Kreindler on an hourly basis. Kreindler granted me access to its computer network and provided me with a Kreindler email account. Kreindler shut down my access to its computer network as of September 27, 2021.

3. I privately communicated with Michael Isikoff several times between June 1 and August 1 of this year. I don't recall exactly the dates that I spoke with him, but I believe the first time was in early July. During the call, Isikoff asked me if there was anything he should know about the Jarrah deposition and I told him yes, that Jarrah was a child pornographer.

4. After I talked with Isikoff, I decided I would send him the Jarrah transcript. I don't recall if I sent him the rough or the final transcript. I do recall that I made sure that whatever I sent didn't have any of the questions or answers about FBI material.

KSAX-0059

Case No.
03-md-1570

5. I sent the Jarrah transcripts to Isikoff so he could see that Jarrah had admitted that he had sexual images of minors on his computer – after lying during the first day of his deposition and then claiming that he “couldn’t remember” if FBI agents confronted him with the child pornography they found on Jarrah’s computer.

6. I sent the Jarrah transcripts to Isikoff because I wanted someone to do something to stop Jarrah. The transcript I sent to Isikoff was the version that was heavily redacted, leaving out all the questions and answers that concerned information and documents that the FBI had provided under the FBI Protective Order. The only way Isikoff could understand that Jarrah had lied during the deposition was to compare his testimony after he was confronted with the fact that he had been questioned about the images on his computer with his earlier testimony claiming that he had only friendly meetings with FBI agents. The facts that the FBI interviewed Jarrah on at least three occasions were not subject to either protective order.

7. To send the transcript without anyone at Kreindler knowing, I took several steps. First, while I could access the network and share drive where the transcript was saved via my own laptop and the firm’s remote access program, I couldn’t find a way to save the transcript to my laptop directly, so I saved it onto a thumb drive. I took the thumb drive home. I used a personal email account I established on ProtonMail to send the transcript. ProtonMail is an end-to-end encrypted email service. My ProtonMail account had a self-destructing messages option which automatically deletes emails from a recipient’s email inbox after a certain period of time. That option also automatically deletes the email from my sent folder. I believe I set up the self-destructing messages option on my ProtonMail account to delete after 7 days. I recently checked my ProtonMail account to see whether any emails to or from Isikoff about the Jarrah deposition

(or any other emails between June 1 and August 1, 2021) are saved in an inbox, a sent folder or a deleted folder. I could not find any such emails.

8. After I sent Isikoff the Jarrah transcript, I believe I had a second phone call with him about the timing of his article discussing Jarrah. I was worried that if he published an article around the same time as he aired the podcast with Jim Kreindler, people would assume that Jim Kreindler had given Isikoff the information about Jarrah, even though I knew that Jim hadn't done so, didn't know I'd done it, and hadn't encouraged me to do it or suggested I do it.

9. Once Isikoff published his article, I deleted everything from the thumb drive that contained the Jarrah transcript and then threw the thumb drive out in my household garbage.

10. I believe I had a third call with Isikoff before the publication of his article. He was interested in doing another article about the 2016 FBI Operation Encore report. He asked how to verify that such a report existed. I sent him the FBI privilege log. I told him that between the privilege log and the Pro Publica article entitled Operation Encore he should have enough to confirm the existence of the document.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York
September 30, 2021

By:


JOHN FAWCETT